

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15465 of 2024

=====

Anil Kumar S/o Late Kailash Mahto, Resident of village- Bhagat Tola,
Mathurapur, P.S. Khagaria, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Khagaria.
3. The Sub-Divisional Officer, Khagaria.
4. The Block Supply Officer, Khagaria Block, Khagaria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Anand
For the Respondent/s : Mr. Standing Counsel (4)

=====

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 03-12-2024 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following reliefs:-

*“That the present writ petition is being
filed for start allotment to the petitioner’s license as
the suspension order dated 13.03.2024 contained in
Memo No. 78 dated 13.03.2024 which was lost its
force since 12.09.2024 in terms of Rule 28 of Bihar
Targeted PDS Control Order, 2016.”*

3. Learned counsel for the petitioner submits that the
solitary ground given in the show cause notice dated 11.03.2024
vide Memo No. 76 for cancelling the PDS licence of the
petitioner was that a First Information Report (F.I.R.) bearing



Khagaria P.S. Case No. 152 of 2024 had been instituted against the petitioner. Similarly, the impugned order has been passed on the sole ground of institution of the aforesaid FIR against the petitioner.

4. Learned counsel for the respondents appears and has been heard.

5. Having heard the parties and on consideration of the materials on record, this Court finds merit in the writ petition. A perusal of the PDS. (Control) Order, 2001 read with Rule 7 of the notification in G.S.R. No. 1 dated 20.02.2007 makes it clear that mere institution of a First Information Report would not constitute a valid ground for cancellation of the PDS licence. This view finds support from the decision of this Court in Umesh Ram vs. The State of Bihar and others, AIR 2014 Patna 113 as well.

6. In view of the above, the impugned order dated 13.03.2024 (Annexure-P/2) is hereby quashed.

7. Needless to say, supplies to the petitioner shall be restored without delay.

8. It is made clear that, in case, the petitioner is subsequently convicted in the criminal case instituted against him, thereafter, the authorities are free to take necessary action



in accordance with law.

9. With the above directions, the Writ Petition stands
allowed to the extent indicated.

(A. Abhishek Reddy, J)

Ayush/-

U			
---	--	--	--

